

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

QUARNITA JAMES, for herself and )  
as next friend of her minor son, )  
LAZERICK JAMES, and )  
JAYLIN STIGER, )  
Plaintiffs, )  
vs. ) No. 21 C 6750  
THE CITY OF CHICAGO, et al., ) Chicago, Illinois  
Defendants. ) May 25, 2022  
10:00 a.m.

TRANSCRIPT OF PROCEEDINGS - STATUS

BEFORE THE HONORABLE RONALD A. GUZMAN

APPEARANCES:

For the plaintiffs: LAW OFFICES OF AL HOFELD, JR., LLC  
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Chicago, Illinois 60602  
BY: MR. AL HOFELD, JR.  
MR. ZACHARY J. HOFELD

For the individual  
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BY: MR. LAWRENCE S. KOWALCZYK

For the defendant City  
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Chicago, Illinois 60602  
BY: MR. RAOUL V. MOWATT

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1 (Proceedings in open court)

2 THE CLERK: Our next case before us is case number 21  
3 CV 6750, James, et al., versus the City of Chicago, et al.

10:09:13

4 MR. A. HOFELD: Good morning, Your Honor. Al Hofeld,  
5 Junior.

6 I apologize, I'm not sure if we should leave the mask  
7 on or if you want us to take it off.

8 THE COURT: It's all right, you can take your masks  
9 off if you want.

10:09:21

10 MR. A. HOFELD: Thank you.

11 MR. Z. HOFELD: Good morning, Your Honor. Zac Hofeld  
12 on behalf of the plaintiffs as well.

13 THE COURT: Good morning.

10:09:32

14 MR. KOWALCZYK: Good morning, Your Honor. Larry  
15 Kowalczyk, K-O-W-A-L-C-Z-Y-K, on behalf of the individual  
16 officers.

10:09:48

17 I noticed in the amended complaint there is one  
18 additional officer named. I will track service on that and  
19 help facilitate it, and obviously I'll probably be appearing  
20 for that individual as well.

21 THE COURT: Thank you. Let me just take a quick look  
22 here.

23 So the case was filed back in December of 2021. What  
24 has been done since then?

10:10:29

25 MR. A. HOFELD: Sure, Your Honor. We had an informal

1 agreement for early discovery, which included additional body  
2 cam video, photographs of the officers, you know, incident  
3 report, arrest report, a bunch of other records from the  
4 police department, which that allowed us to amend and  
10:10:47 5 streamline. We dropped a defendant. We added one. We didn't  
6 have all the facts when we first filed because we didn't have  
7 all the body camera video from the incident.

8 So we filed the amended complaint yesterday. And we  
9 believe, you know, the case is ready to proceed to discovery  
10:11:08 10 at this point. But it was basically the early discovery and  
11 the need to amend the complaint with additional facts.

12 THE COURT: So you have the body cam. What else did  
13 you get? Anything else?

14 MR. A. HOFELD: We got body cam video. We got  
10:11:22 15 incident report, arrest report. There is some *Terry* stop  
16 reports. There were some, I believe we got TRR records for  
17 the officers. And counsel for the defense can help me out if  
18 I'm forgetting anything.

19 MR. KOWALCZYK: There were other individuals involved  
10:11:44 20 in the series of events, Your Honor, so there were additional  
21 like case incident reports, arrest report, tactical response  
22 reports that were also turned over in advance.

23 THE COURT: So what is left to do?

24 MR. A. HOFELD: Well, Your Honor, it appears that we  
10:12:02 25 still don't have, and we need to talk with counsel about this,

1 I'm not trying to put anybody on the spot, but it appears that  
2 we don't have complete body cam video still for at least three  
3 of the defendant officers who were on the scene, including the  
4 sergeant who supervised most of the officers.

10:12:22

5 We do also have a *Mone11* claim, Your Honor, as count  
6 1. We allege that there is a policy using excessive force  
7 against kids of color, although the claim is pretty narrow.  
8 So we have done similar discovery in other cases.

10:12:53

9 So we are asking for a relatively short schedule in  
10 comparison to the defendants. And that's included in the  
11 joint status report.

12 THE COURT: How much time are you asking for?

10:13:08

13 MR. A. HOFELD: We're asking for a fact discovery  
14 cut-off, Your Honor, of February 28th, 2023. We're asking for  
15 26(a)(1) disclosures by June 15th, next month; written  
16 discovery issued by July 1st. Because it affects the length  
17 and scope of discovery, we are asking the Court to set a date  
18 for the filing of the City's, you know, motion to bifurcate  
19 discovery on the *Mone11* claim. We proposed July 1 for that.

10:13:40

20 And then, Your Honor, after the close of fact  
21 discovery, where plaintiffs will need expert discovery,  
22 particularly on the *Mone11* claim, particularly on the  
23 psychological damage as to the kids, so we proposed an expert  
24 discovery schedule in 30-day increments beginning on March

10:14:01

25 28th of 2023.

1 THE COURT: What do you think?

2 MR. KOWALCZYK: Your Honor, we had suggested dates  
3 that were a little further from the standpoint of counsel  
4 agreed we could have 30 days to file a responsive pleading to  
10:14:14 5 the amended complaint, having just received it last night, and  
6 then thereafter submitting Rule 26(a)(1) disclosures after any  
7 other -- for example, there was the additional officer we need  
8 to look into by August 1st of 2022 and then written discovery  
9 schedule to proceed shortly thereafter to be issued by August  
10:14:34 10 15th.

11 Then we suggested a fact closure of August 31st of  
12 2023, with expert disclosures thereafter, similar to how  
13 plaintiffs' counsel described them. But we had objected to  
14 any rebuttal expert disclosures.

10:14:49 15 We had suggested a date of, I think by August 31st  
16 for the motion to bifurcate, which I think the City can  
17 address.

18 MR. MOWATT: Good morning, Your Honor. Raoul Mowatt  
19 on behalf of the City of Chicago.

10:15:04 20 On the one hand, I understand the interest in trying  
21 to get a motion to bifurcate early, but on the other hand, no  
22 defendant has even answered, so I believe it would be  
23 premature to have one as early as July.

24 THE COURT: Are you going to oppose the motion to  
10:15:26 25 bifurcate?

1 MR. A. HOFELD: Yes, Your Honor.

2 THE COURT: Why?

3 MR. A. HOFELD: For a variety of reasons, Your Honor.

10:15:45

4 One, because these particular clients care probably the most  
5 about that particular claim.

6 THE COURT: Why?

10:15:59

7 MR. A. HOFELD: Because one of them was 13 at the  
8 time, the other was 16. They never had any contact with the  
9 police. They're good kids. They were good kids. And then  
10 they had guns pointed at them, were handcuffed, had a TASER  
11 pointed at them, were mistreated.

12 THE COURT: But how does that make them care more  
13 than any other victim of alleged police abuse?

14 MR. A. HOFELD: Because they --

10:16:16

15 THE COURT: More to the point, how does that even,  
16 what they care or how much they care, how does that come into  
17 play as to whether we should bifurcate really a, in terms of  
18 discovery at least, vastly different claim?

19 MR. A. HOFELD: Well --

10:16:31

20 THE COURT: Claims against the individual officers.

21 MR. A. HOFELD: Well, Your Honor, I'd like the  
22 opportunity to set forth our arguments in a written brief.

23 THE COURT: Well, the thing is that, like you --

24 MR. A. HOFELD: Yes.

10:16:49

25 THE COURT: -- I've been through this motion at least

1 a million times now.

2 MR. A. HOFELD: Sure.

3 THE COURT: And I've yet to hear a really good,  
4 substantial reason --

10:16:55 5 MR. A. HOFELD: Okay.

6 THE COURT: -- for not bifurcating the discovery. If  
7 you have one, I'd like to hear it. You don't need to write it  
8 down, just tell me what it is, because as I understand it the  
9 City is willing to, I take it, cover the officers for their  
10 individual damages, is that correct?

11 MR. MOWATT: Absolutely correct, Your Honor.

12 THE COURT: So what do we gain? I mean, in terms of  
13 what your clients are going to get out of this, what do you  
14 gain from the *Mone11* claim?

10:17:23 15 MR. A. HOFELD: Sure, Judge. Well, as you know,  
16 there is some decisions that talk about the public interest  
17 deterrent value of a *Mone11* related verdict.

18 THE COURT: All of that made a lot more sense before  
19 these cases became common place and before there was a consent  
10:17:42 20 decree in place between the City including the police  
21 department with --

22 MR. A. HOFELD: Yes, Your Honor.

23 THE COURT: -- a set of goals and restrictions on the  
24 Chicago Police Department that's about that big (indicating).

10:18:04 25 MR. A. HOFELD: Yes, Your Honor, I've read it. But

1 that does not address, Your Honor, it does not address the use  
2 of excessive force against children in particular.

3 THE COURT: Why is that different than against  
4 adults? Why should it be addressed differently?

10:18:16 5 MR. A. HOFELD: Because they, like the elderly, like  
6 the disabled, are especially vulnerable.

7 THE COURT: Well, I think that -- I think I just  
8 plain disagree with you there.

9 I'm going to bifurcate discovery. *Mone* discovery  
10:18:31 10 will be held off. I see nothing to be gained for the  
11 plaintiffs in this case, the defendants or the Court in  
12 prolonging discovery to such a great extent as would be  
13 necessary in order to actually do a proper *Mone* discovery  
14 process.

10:18:58 15 Moving on to the experts, why is there a need to  
16 postpone expert discovery in this case? If the expert  
17 discovery is going to be as to the damage to the children,  
18 that's already taken place. We can start to document that  
19 right now. So why are we waiting on expert discovery?

10:19:21 20 MR. A. HOFELD: Your Honor, we're amenable to what  
21 Your Honor is proposing. I mean, in terms of the  
22 psychological damages, we can get started on that right away.  
23 I think we were just following, you know, the conventional  
24 wisdom as to how to --

10:19:35 25 THE COURT: Sure. But the conventional wisdom



1 usually is that you need to know what happened in the case  
2 before the expert can come in and give an opinion.

3 MR. A. HOFELD: Yes.

10:19:43

4 THE COURT: In this case what the expert is going to  
5 be opining on has already occurred.

6 MR. A. HOFELD: And it's mostly on video. Yes,  
7 that's correct, Your Honor.

8 THE COURT: Okay. So when can you have your expert  
9 discovery disclosures, counsel?

10:19:56

10 MR. A. HOFELD: Okay. Well, as soon as I retain one  
11 and he or she can review the materials. 90 days, Your Honor.

12 THE COURT: Okay. A 90-day date for that, please,  
13 Kerwin.

14 THE CLERK: Okay. August 26.

10:20:28

15 THE COURT: August 26, okay. This will give the  
16 defendants 21 days to conduct their depositions of the expert,  
17 if they wish one. 21 days please, Kerwin.

18 THE CLERK: Okay. June 15.

10:21:24

19 MR. KOWALCZYK: Did you mean 21 days from August  
20 26th?

21 THE COURT: 21 days from August 26th. I'm sorry,  
22 Kerwin, I didn't make that clear.

23 THE CLERK: September 16.

10:21:40

24 THE COURT: Regarding fact discovery cut-off, you  
25 have a great deal of discovery already. What else do you need

1 to do with respect to fact discovery that's going to take more  
2 than six months?

3 MR. A. HOFELD: I think six months is about what we  
4 proposed, Your Honor, so I don't think we need to go beyond  
5 six months. Certainly we want to take the depositions of the  
6 14 or so defendant officers. I know they want to take  
7 plaintiffs.

8 THE COURT: Start today. Start today.

9 All right. Give me a six-month date for fact  
10 discovery cut-off, please.

11 THE CLERK: Starting today?

12 THE COURT: Starting today, yes.

13 THE CLERK: November 16th.

14 MR. MOWATT: Your Honor?

15 THE COURT: Yes.

16 MR. MOWATT: One issue that may come up is that there  
17 are psychological damages that are alleged in this case.

18 THE COURT: I think that's what we're talking about,  
19 isn't it, the expert discovery?

20 MR. MOWATT: Yes, yes.

21 THE COURT: Okay.

22 MR. MOWATT: We may wish to have a Rule 35  
23 examination of the two plaintiffs.

24 THE COURT: That would be an absolutely perfect  
25 motion to take up before the magistrate judge who is going to

1 supervise discovery.

2 MR. A. HOFELD: If I may, Your Honor?

3 THE COURT: Yes.

4 MR. A. HOFELD: We probably will have a police

10:23:08

5 practices expert as well on some of the issues. You know,  
6 without taking the officers' depositions first, I'm not sure if that  
7 expert is going to have, you know, full -- and without, you  
8 know, a full discovery record on some of the practices, I'm  
9 not sure that that expert will be prepared to disclose a

10:23:36

10 report in 90 days.

11 We can certainly do it on the psychological damages.  
12 But we may need, we may need to disclose that particular  
13 expert following depositions of the officers and after we get  
14 training records and policies and all of that kind of thing.

10:23:57

15 THE COURT: Policies I'm sure you have already,  
16 training records.

17 Okay. So let's set a date, let's set a date towards  
18 the end of September for the parties to come in and we can set  
19 up plaintiffs' expert, police practices expert's scheduling.

10:24:49

20 THE CLERK: We can do September 28th at 11:00 o'clock  
21 a.m.

22 THE COURT: Very well, let's do that. And you can  
23 let me know at that point, you should be in a position to be  
24 able to at least begin your expert's examination of the acts  
25 that you've uncovered, and we can set up dates for the expert

10:25:11

1 in police practices discovery.

2 MR. A. HOFELD: Thank you, Your Honor.

3 MR. MOWATT: Your Honor, I'm sorry, but one more  
4 point of clarification. With *Moneill* staying bifurcated, will  
10:25:31 5 the City have to answer all the *Moneill* allegations in the  
6 complaint?

7 THE COURT: Sure. File an answer. You'll want to  
8 be -- absolutely.

9 Well, I think that's probably all we have to do  
10:25:51 10 today. We've done it already, I believe, but I'll do it  
11 again. I'll refer all discovery matters to the magistrate  
12 judge.

13 I will tell you upfront, gentlemen, the likelihood  
14 that I will extend that fact discovery date is very, very  
10:26:08 15 slim, very slim. So two words: One, start early, and the  
16 second is prioritize.

17 MR. A. HOFELD: Thank you.

18 THE COURT: Get what you think you absolutely need to  
19 get done first because I'm not going to extend that schedule.

10:26:21 20 MR. A. HOFELD: Your Honor, will discovery be stayed  
21 during -- because I anticipate a motion to dismiss.

22 THE COURT: No. No, no, no, absolutely not.

23 How much time do you want to file your response?

24 MR. KOWALCZYK: I think counsel agreed to 30 days, if  
10:26:35 25 we could have that, Your Honor?

1 THE COURT: 30 days, please, Kerwin.

2 THE CLERK: After which date?

3 THE COURT: From today.

4 THE CLERK: From today, okay. We can do that by June

10:26:55 5 27.

6 MR. KOWALCZYK: Thank you, Your Honor.

7 THE COURT: If a reply is necessary, 15 days after  
8 that, Kerwin.

9 MR. A. HOFELD: For response, Your Honor, for  
10:27:13 10 plaintiffs' response?

11 THE COURT: Yes. I'm sorry. That's okay.

12 THE CLERK: That would be July the 8th.

13 THE COURT: And reply in 10.

14 THE CLERK: Okay. July 20th.

10:27:45 15 THE COURT: Okay. I think we're done. See you folks  
16 back here in September.

17 MR. A. HOFELD: Very good. Thanks, Judge.

18 MR. MOWATT: Thank you.

19 MR. KOWALCZYK: Thank you.

10:27:52 20 THE COURT: Have a good day.

21 (Proceedings concluded)

22 C E R T I F I C A T E

23 I, Jennifer S. Costales, do hereby certify that the  
24 foregoing is a complete, true, and accurate transcript of the  
25 proceedings had in the above-entitled case before the  
Honorable RONALD A. GUZMAN, one of the judges of said Court,  
at Chicago, Illinois, on May 25, 2022.

/s/ Jennifer Costales, CRR, RMR, CRC